

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN) (and member case

Burlingame v. Bin Laden, et al., 02-cv-7230 (GBD)(SN))

Ashton, et al. v. Kingdom of Saudi Arabia, 17-cv-02003 (GBD)(SN)

Schneider, et al. v. al Qaeda Islamic, 02-cv-7209 (GBD)(SN)

**The *Dimino* Wrongful Death Plaintiffs' Application for Entry of
Awards of Compensatory Economic Damages for Partial Final Default Judgment**

**We respectfully ask for expedited relief on this application since the United States
Victims of State Sponsored Terrorism Fund has set September 20, 2024, as the date for its
final acceptance of compensatory damage awards for distributions in January 2025. We
only received the expert report attached to the accompanying Declaration of John F. Schutty,
Esq. from plaintiffs' prior counsel last week.**

The *Dimino* Plaintiffs in this case, each of which is within the estate of a person killed in the 9/11 terrorist attacks, hereby apply for awards of compensatory economic damages to be added to their existing partial final judgments against the Defendant Islamic Republic of Iran. This Application was expressly authorized by this Court's Order dated March 8, 2016, MDL Doc. No 3226 and September 23, 2020, *Schneider, et al. v. al Qaeda Islamic*, 02-cv-7209, Doc. No 54, in which the Court entered Partial Final Default Judgments and awarded conscious pain-and-suffering damages as well as solatium damage to the *Dimino* Plaintiffs.

Accordingly, the *Dimino* Plaintiffs hereby submit this Application for economic compensatory damages award: Plaintiff Estate of Stephen Dimino seeks economic damages in the amount of \$17,200,000.

This Application is supported by all necessary materials. Additionally, Plaintiffs have complied with all measures to demonstrate compliance with the due diligence procedures proposed at MDL Doc. 9355 and 9435, to ensure that duplicate judgments are not issued in this MDL.

Included in the Application are the accompanying Declaration under Seal of John F. Schutty, Esq. (hereinafter, the "Schutty Declaration") and the Exhibit thereto which is the expert reports on economic damages, a memorandum of law, and a proposed form of judgment which include the required standard exhibits. This Application is also supported by the publicly available and sealed evidence from two related predecessor cases, *Havlish, et al. v Bin Laden, et al.*, 1:03-cv-09848 (GBD)(FM), and *Hoglan, et al. v. Iran, et al.*, 1:11-cv-7550(GBD)(SN) that this Court has already admitted in this case by Order dated March 8, 2016, MDL Doc. No 3226 and September 23, 2020, *Schneider, et al. v. al Qaeda Islamic*, 02-cv-7209, Doc. No 54, and Findings of Fact and Conclusions of Law entered in *Havlish* and *Hoglan, supra*, on December 22, 2011, *Havlish* ECF Doc. No. 294, and August 31, 2015, MDL ECF Doc. No. 3019, respectively, and all the files and records in this case.

As stated above, the *Dimino* Plaintiffs were previously awarded conscious pain and suffering on March 8, 2016, MDL Doc. No 3226 and solatium damages on September 23, 2020, *Schneider, et al. v. al Qaeda Islamic*, 02-cv-7209, Doc. No 54. That Order expressly permitted the Estate Plaintiffs to submit an application for economic damages at a later date. *Id.* at p. 3. Permission for the *Dimino* Plaintiffs to seek punitive damages at a later date was also reserved per the same Order. *Id.*

The economic damages sought herein were calculated individually with supporting evidence that is being filed under seal as directed by MDL ECF Doc. No. 7963.

At this time, the *Dimino* Plaintiffs Estate seek entry of partial final default judgment with respect to economic damages only against the Defendant the Islamic Republic of Iran. The reason is that the Plaintiffs intend in the future to seek an evidentiary hearing and the Court's permission to resubmit the evidence in this case, followed by a motion for re-entry of the final judgments.

Dated: New York, New York
September 17, 2024

Respectfully submitted,

LAW OFFICE OF JOHN F. SCHUTTY, P.C.

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